

IO# 15399  
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RO-462

March 23, 1992

**VIA HAND DELIVERY**

Honorable Dan Morales  
Attorney General of Texas  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548

RECORDED

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CPA

Attention: Susan Garrison  
Opinions Committee

RE: Request for Opinion Under the Texas Open Records Act  
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Dear General Morales:

Stephen F. Austin State University ("SFA"), a state agency pursuant to Chapters 95 and 101 of the Texas Education Code, has received a written request from The Nacogdoches Daily Sentinel of Nacogdoches, Texas for certain information under the Texas Open Records Act, V.T.C.S. art 6252-17a (the "Act"). Enclosure 1 is the requestor's letter of March 9, 1992.

In this instance, the request addressed to SFA is for the inspection of University Police Department incident reports before students' names are removed. Your office ruled on an identical request from The Nacogdoches Daily Sentinel on January 31, 1991 in OR91-052. However, the requestor is now asserting that the law has changed because of Bauer v. Kincaid, No. 90-3027-CV-S-4 (W.D. Missouri March, 1991).

This request to SFA is also very similar to one received by Sam Houston State University (see Request # 14754). We incorporate the arguments made in SFA's request for OR91-052 and the arguments made in Request # 14754 on behalf of Sam Houston State University in this request for your opinion. We will mail you some

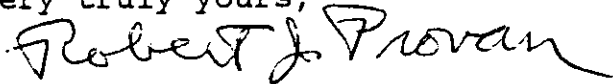
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Honorable Dan Morales  
Attorney General of Texas  
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representative examples of the University Police Department records  
in the next few days.

Thank you for your assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Robert J. Provan". The signature is written in dark ink and is positioned below the typed name.

Robert J. Provan

/rjp  
Enclosures

xc: Dr. William Brophy (Via Regular Mail)  
xc: Mr. Glenn McCutchen (Via Regular Mail)

# The Daily Sentinel

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GLENN McCUTCHEN, Editor & Publisher

FERRIS H. FAIN, President & General Manager

March 9, 1992

Dr. William Brophy  
President  
Stephen F. Austin State University  
P.O. Box 6078  
Nacogdoches, TX

Dear Dr. Brophy:

A little more than a year ago, we asked to inspect University Police Department incident reports before students names are removed. SFA denied our requests, reasoning that UPD incident reports are "educational records" and can't be released.


We weren't satisfied with that answer. So we asked SFA to ask the attorney general if student names on police incident reports legally could be withheld from the public. According to the attorney general, the incident reports are educational records and SFA can censor the names.

Since Mr. Morales issued his opinion, however, Judge Russell G. Clark, a federal judge in Missouri, has ruled that campus crime reports are not educational records. Also, Secretary of Education Lamar Alexander has said his department does not consider campus crime reports education records.

Considering Judge Clark's ruling and Secretary Alexander's remarks, I am writing to ask you to reconsider and release University Police incidents reports without censoring students' names. If you feel you must ask for another attorney general's opinion before doing so, I would ask that you make reference to Judge Clark's ruling.

I appreciate your attention to this matter.

Sincerely,



Glenn McCutchen

encl: Judge Clark's ruling



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